



PATENT  
Attorney Docket No.: NOV-003/00US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robin ROBINSON *et al.*

Confirmation No.: 5752

Application No. 10/617,569

Group Art Unit: 1648

Filed: July 11, 2003

Examiner: Myron G. Hill

For: FUNCTIONAL INFLUENZA VIRUS-LIKE PARTICLES (VLPs)

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**RESPONSE TRANSMITTAL**

1. Enclosed are the following documents in response to the Office Action mailed February 10, 2006.

- ☒ Amendment Under 37 C.F.R. 1.111(a)
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Copy of Supplemental Information Disclosure Statement filed June 13, 2005
- ☐ Copy of Form PTO-1449 filed June 13, 2005
- ☐ Terminal Disclaimer
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Extension of time fee due with this request: \$510.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1283. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

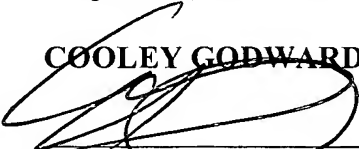
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	24	minus	33	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	5	0	x \$200 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$ 0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge the total fee due of **\$510.00** to Deposit Account 50-1283.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-1283.

Respectfully submitted,

**COOLEY GODWARD LLP**

  
Edward I. Amaya  
Reg. No. 54,960

Dated: 8/10/2006

Customer No. 58249  
**COOLEY GODWARD LLP**  
875 15<sup>th</sup> Street, N.W.  
Suite 800  
Washington, D.C. 20005  
Tel: (202) 842-7800  
Fax: (202) 842-7899